IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 14496 of 2007(A)

AGAINST THE ORDER DATED / / IN DRC.752/HUDCO IN IA.765/2007 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

BOBY VARGHESE, S/O.M.U.VARKEY,
MARIYA HOUSE, PADIVATTOM, KOCHI - 24.

BY ADV. SMT.THANKOM.G
SRI.R.ARUN (PALLURUTHY)

RESPONDENTS:

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1. HOUSING & URBAN DEVELOPMENT CORPORATION LTD., 3RD FLOOR,
SAPHALLYAM COMPLEX, PALAYAM, UNIVERSITY.P.O.,
TRIVANDRUM.

2. RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL,
ERNAKULAM.

BY ADV. SRI.ANIL THOMAS (MELEMALAYIL) – FOR R1
SRI.JOSE ABRAHAM
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 14496/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE LETTER DATED 07/02/2007 ISSUED by the 1ST RESPONDENT.

P2 : COPY OF THE PROPOSAL FORWARDED FOR SETTLEMENT AND THE SCHEME BEFORE THE 1ST RESPONDENT.

P3 : COPY OF THE APPLICATION BEFORE THE 2ND RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14496 of 2007

Dated, this the 25th day of July, 2007

J U D G M E N T

Petitioner is challenging execution proceedings for recovery of amount awarded in favour of 1st respondent by the DRT. Sale proclamation is not finalised. According to the petitioner, property is going to be sold at a low value. Learned counsel appearing for 1st respondent submitted that borrower company is in liquidation and petitioner has no locus standi to represent the matter. I do not think petitioner has any grievance as of now. If petitioner arranges a purchaser and settles the liability, then 1st respondent will not naturally execute the decree. It is for the petitioner to arrange a purchaser and go for settlement with 1st respondent. However, proceedings should be continued by the recovery officer through settling of proclamation and by sale of property after due publication and publicity. Even though petitioner requested time for settlement, I do not think that there is no need to grant any time because by the time sale is arranged by the recovery officer after following the procedure, petitioner would have enough time to settle liability with the 1st respondent.

This writ petition is closed as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg